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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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10 **AMERICAN GENERAL LIFE**  
11 **INSURANCE COMPANY,**

12 Plaintiff,

13 vs.

14 **VISTANA CONDOMINIUM OWNERS**  
15 **ASSOCIAIATION, et al. ,**

16 Defendants.

2:12-cv-01324-GMN-NJK

**ORDER**

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Ex Parte Motion to Extend Expert Disclosure Deadlines (#62) and Motion to Extend Expert Disclosure Deadlines (#63)

17 Before the Court is the Defendant's Ex Parte Motion to Extend Expert Disclosure  
18 Deadlines (#62) and Motion to Extend Expert Disclosure Deadlines (#63), filed on May 9, 2013.  
19 The parties are requesting an "approximately 90 day" extension.

20 As an initial manner, the Court notes that the Defendant's Motion (#62) and Motion (#63)  
21 are virtually identical. The only difference is that Motion (#62) includes the words "*ex parte*" and  
22 Motion (#63) includes a proposed order for the Court. Thus, the Defendant has filed duplicative  
23 motions which wastes the Court's time and resources. The Court will refrain from sanctioning  
24 this conduct at this time, but moving forward, the Court warns that sanctions may be imposed for  
25 such behavior.

26 Next, applications to extend any date set by the discovery plan must be supported by a  
27 showing of good cause for the extension and be "received by the Court no later than twenty-one  
28 (21) days before the expiration of the subject deadline." LR 26-4. A request made after the

1 expiration of the subject deadline shall not be granted unless the movant demonstrates that the  
2 failure to act as the result of excusable neglect. *Id.*

3 Here, the Defendant has shown good cause for the requested extension. However, the  
4 request to extend the expert designation deadline was filed after the deadline had expired.  
5 Therefore, under the Local Rules, the Defendant is required to show excusable neglect. However,  
6 in the present motions, the Defendant has failed to argue that excusable neglect exists. The Court  
7 cannot infer that excusable neglect exists.

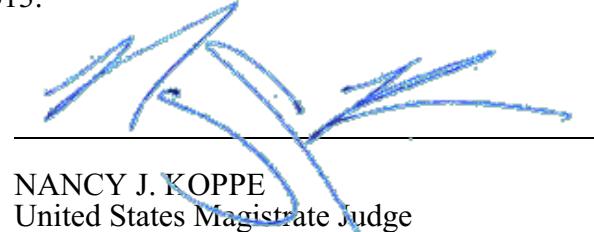
8 **CONCLUSION**

9 Based on the foregoing, and good cause appearing therefore,

10 **IT IS HEREBY ORDERED** that the Defendant's Ex Parte Motion to Extend Expert  
11 Disclosure Deadlines (#62) is **DENIED**;

12 **IT IS FURTHER ORDERED** that the Defendant's Motion to Extend Expert Disclosure  
13 Deadlines (#63) is **DENIED without prejudice**.

14 DATED this 10th day of May, 2013.

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17 NANCY J. KOPPE  
18 United States Magistrate Judge

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